



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 11, 2017

**GOV. MSG. NO. 1286**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 11, 2017, the following bill was signed into law:

SB859 SD1 HD1 CD1

RELATING TO WORKERS' COMPENSATION  
ACT 172 (17)

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 386-79, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§386-79 Medical examination by employer's physician.** (a)  
4 After an injury and during the period of disability, the  
5 employee, whenever ordered by the director of labor and  
6 industrial relations, shall submit to examination, at reasonable  
7 times and places, by a duly qualified physician or surgeon  
8 designated and paid by the employer. The employee shall have  
9 the right to have a physician [~~or~~], surgeon, or chaperone  
10 designated and paid by the employee present at the examination,  
11 which right, however, shall not be construed to deny to the  
12 employer's physician the right to visit the injured employee at  
13 all reasonable times and under all reasonable conditions during  
14 total disability. The employee shall also have the right to  
15 record such examination by a recording device designated and  
16 paid for by the employee; provided that the examining physician  
17 or surgeon approves of the recording.



1        If an employee refuses to submit to, or the employee or the  
2 employee's designated chaperone in any way obstructs such  
3 examination, the employee's right to claim compensation for the  
4 work injury shall be suspended until the refusal or obstruction  
5 ceases and no compensation shall be payable for the period  
6 during which the refusal or obstruction continues.

7        (b) In cases where the employer is dissatisfied with the  
8 progress of the case or where major and elective surgery, or  
9 either, is contemplated, the employer may appoint a physician or  
10 surgeon of the employer's choice who shall examine the injured  
11 employee and make a report to the employer. If the employer  
12 remains dissatisfied, this report may be forwarded to the  
13 director.

14        Employer requested examinations under this section shall  
15 not exceed more than one per case unless good and valid reasons  
16 exist with regard to the medical progress of the employee's  
17 treatment. The cost of conducting the ordered medical  
18 examination shall be limited to the complex consultation charges  
19 governed by the medical fee schedule established pursuant to  
20 section 386-21(c)."



1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval;  
7 provided that on June 30, 2019, this Act shall be repealed and  
8 section 386-79, Hawaii Revised Statutes, shall be reenacted in  
9 the form in which it read on the day before the effective date  
10 of this Act.

APPROVED this 11 day of JUL, 2017

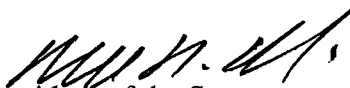



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAII**

Date: May 2, 2017  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.

  
President of the Senate

  
Clerk of the Senate

SB No. 859, SD 1, HD 1, CD 1

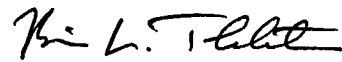
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives